

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---|---|-------------------|---------------|
| Applicants: Daniel Y. Abramovich et al. | § | Confirmation No.: | 3511 |
| | § | | |
| Serial No.: 09/997,036 | § | Group Art Unit: | 2627 |
| | § | | |
| Filed: 11/27/2001 | § | Examiner: | Thang V. Tran |
| | § | | |
| For: Re-Writable Optical Disk | § | Docket No.: | 10970174-4 |
| Having Reference Clock | § | | |
| Information Permanently | § | | |
| Formed On The Disk | § | | |

**SUPPLEMENTAL DECLARATION FOR
REISSUE APPLICATION UNDER 37 CFR 1.175**

As a below named inventor, I declare the following:

- I. I believe the original patent (U.S. Patent No. 6,046,968) to be wholly or partly inoperative or invalid by reason of the patentee claiming less than the patentee had the right to claim in the patent.
- II. At least one error being relied upon as the basis for the reissue is the fact that Applicants and/or Applicants' representatives failed to appreciate the full scope of the invention. Specifically, other species of claims, which would have been allowable over the prior art, were not submitted to the U.S. Patent and Trademark Office during the examination of the application that issued as U.S. Patent No. 6,046,968. More specifically, an optical disk having a "clock reference structure having a spatial frequency that is within the spatial frequency spectrum of the data" was not claimed in any of claims 1-37 of the patent.

- III. Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention the part of the Applicants. The new claims of the reissue application do not add new matter.
- IV. I have reviewed and understand the contents of the above-identified specification, including the claims as corrected by a paper filed concurrently with this declaration.
- V. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.
- VI. My residence/business address and citizenship are as stated below next to my name.
- VII. The inventors named below are the original, first, and joint inventors of the subject matter which is claimed and for which a reissue patent is sought on the invention having Serial No. 09/997,036 and entitled "Re-Writable Optical Disk Having Reference Clock Information Permanently Formed on the Disk" (the specification of which was filed on November 27, 2001).
- VIII. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title

App. No.: 11/416,589
Filing Date: 08/09/2006
Supplemental Declaration

18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of First Inventor: Daniel Y. Abramovitch
Country of Citizenship: US

Daniel Y. Abramovitch 11/4/09
Signature of First Inventor Date

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(City, State, Country, Postal Code)

Assignee's Business/Mailing Address: 11311 Chinden Blvd., Boise, Idaho, US,
83714-0021

Name of Second Inventor: David K. Towner
Country of Citizenship: US

Signature of Second Inventor Date

Inventor's Residence: _____
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Country of Citizenship: US

Signature of First Inventor _____ Date _____

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Assignee's Business/Mailing Address: 11311 Chinden Blvd., Boise, Idaho, US,
83714-0021

Name of Second Inventor: David K. Towner
Country of Citizenship: US

Signature of Second Inventor  _____ Date 10-21-2008

Inventor's Residence: BOISE, ID, USA, 83712
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